IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1980 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ABKULCHANDRA CHANDULA ANADA

Versus

TELECOM DIST MANAGER

Appearance:

1. Special Civil Application No. 1980 of 1988

MR RA MISHRA for Petitioner No. 1

MR MS RAO for Respondent No. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 24/04/2003

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. This petition is filed against disconnection of

telephone connection of the petitioner by the respondent-Department on the ground of nonpayment of dues of his mother, who was staying separately. This cannot be permitted. It is highly illegal. For the fault of mother, her son cannot be punished by the respondent-Department. However, learned counsel Shri Rao for the respondent tried to raise preliminary objection regarding maintainability of this petition on the ground that there is alternative efficacious remedy available to the petitioner before the Consumer Forum. He, therefore, submitted that when the alternative remedy is available, then this court should not entertain this petition in its writ jurisdiction.

#. This is a petition of 1988 wherein before admitting this petition and issuing rule notice was ordered to be issued. That time also this contention was raised and in spite of it the learned Single Judge of this court admitted the petition and granted interim relief and because of that telephone connection of the petitioner was restored.

#. In view of the above, it would not be proper for this court to throw out the petition after a period of 15 years only on the ground of alternative remedy when the impugned order is per se illegal.

#. In view of the above discussion, this petition is allowed and it is held that the respondents are not entitled to recover any outstanding amount of bill of telephone No.25918 (42485) from the petitioner. Rule is made absolute. No order as to costs.

(B.J.Shethna, J.)

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